



General Assembly

Bill No. 7501

January 6 Special Session,
2003

LCO No. 6000

Referred to Committee on No Committee

Introduced by:

REP. LYONS, 146th Dist.

SEN. SULLIVAN, 5th Dist.

AN ACT REPEALING LAS VEGAS NIGHT GAMES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-278a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in sections 53-278a to 53-278g, inclusive:

4 (1) "Gain" means the direct realization of winnings; "profit" means
5 any other realized or unrealized benefit, direct or indirect, including
6 without limitation benefits from proprietorship, management or
7 unequal advantage in a series of transactions;

8 (2) "Gambling" means risking any money, credit, deposit or other
9 thing of value for gain contingent in whole or in part upon lot, chance
10 or the operation of a gambling device, including the playing of a casino
11 gambling game such as blackjack, poker, craps, roulette or a slot
12 machine, but does not include: Legal contests of skill, speed, strength
13 or endurance in which awards are made only to entrants or the owners

14 of entries; legal business transactions which are valid under the law of
15 contracts; activity legal under the provisions of sections 7-169 to [7-
16 186] 7-186, inclusive; any lottery or contest conducted by or under the
17 authority of any state of the United States, Commonwealth of Puerto
18 Rico or any possession or territory of the United States; and other acts
19 or transactions expressly authorized by law on or after October 1, 1973;

20 (3) "Professional gambling" means accepting or offering to accept,
21 for profit, money, credits, deposits or other things of value risked in
22 gambling, or any claim thereon or interest therein. Without limiting
23 the generality of this definition, the following shall be included: Pool-
24 selling and bookmaking; maintaining slot machines, one-ball machines
25 or variants thereof, pinball machines, which award anything other
26 than an immediate and unrecorded right of replay, roulette wheels,
27 dice tables, or money or merchandise pushcards, punchboards, jars or
28 spindles, in any place accessible to the public; and except as provided
29 in sections 7-169 to [7-186] 7-186, inclusive, conducting lotteries, gift
30 enterprises, disposal or sale of property by lottery or hazard or policy
31 or numbers games, or selling chances therein; and the following shall
32 be presumed to be included: Conducting any banking game played
33 with cards, dice or counters, or accepting any fixed share of the stakes
34 therein;

35 (4) "Gambling device" means any device or mechanism by the
36 operation of which a right to money, credits, deposits or other things
37 of value may be created, as the result of the operation of an element of
38 chance; any device or mechanism which, when operated for a
39 consideration, does not return the same value or thing of value for the
40 same consideration upon each operation thereof; any device,
41 mechanism, furniture or fixture designed primarily for use in
42 connection with professional gambling; and any subassembly or
43 essential part designed or intended for use in connection with any
44 such device, mechanism, furniture, fixture, construction or installation,
45 provided an immediate and unrecorded right of replay mechanically
46 conferred on players of pinball machines and similar amusement

47 devices shall be presumed to be without value. "Gambling device"
48 does not include a crane game machine or device or a redemption
49 machine;

50 (5) "Gambling record" means any record, receipt, ticket, certificate,
51 token, slip or notation given, made, used or intended to be used in
52 connection with professional gambling;

53 (6) "Gambling information" means a communication with respect to
54 any wager made in the course of, and any information intended to be
55 used for, professional gambling. Information as to wagers, betting
56 odds or changes in betting odds shall be presumed to be intended for
57 use in professional gambling;

58 (7) "Gambling premise" means any building, room, enclosure,
59 vehicle, vessel or other place, whether open or enclosed, used or
60 intended to be used for professional gambling. Any place where a
61 gambling device is found shall be presumed to be intended to be used
62 for professional gambling, except a place wherein a bazaar or raffle for
63 which a permit has been issued under sections 7-170 to 7-186,
64 inclusive, or bingo for which a permit has been issued under section 7-
65 169 [or games of chance for which a permit has been issued under
66 sections 7-186a to 7-186l, inclusive,] is to be conducted;

67 (8) "Person" includes natural persons, partnerships, limited liability
68 companies and associations of persons, and corporations; and any
69 corporate officer, director or stockholder who authorizes, participates
70 in or knowingly accepts benefits from any violation of sections 53-278a
71 to 53-278g, inclusive, committed by his corporation;

72 (9) "Peace officer" means a municipal or state police officer or chief
73 inspector or inspector in the Division of Criminal Justice or state
74 marshal while exercising authority granted under any provision of the
75 general statutes or judicial marshal in the performance of the duties of
76 a judicial marshal;

77 (10) "Court" means the Superior Court;

78 (11) "Crane game machine or device" means a machine or device (A)
79 that is designed and manufactured only for bona fide amusement
80 purposes and involves at least some skill in its operation, (B) that
81 rewards a winning player exclusively with merchandise contained
82 within the machine or device and such merchandise is limited to
83 noncash prizes, toys or novelties each of which has a wholesale value
84 not exceeding ten dollars or ten times the cost of playing the machine
85 or device, whichever is less, (C) the player of which is able to control
86 the timing of the use of the claw or grasping device to attempt to pick
87 up or grasp a prize, toy or novelty, (D) the player of which is made
88 aware of any time restrictions that the machine or device imposes on
89 the player to maneuver the claw or grasping device into a position to
90 attempt to pick up or grasp a prize, toy or novelty, and (E) the claw or
91 grasping device of which is not of a size, design or shape that prohibits
92 the picking up or grasping of a prize, toy or novelty contained within
93 the machine or device;

94 (12) "Redemption machine" means an amusement device operated
95 by one or more players that involves a game the object of which is
96 throwing, rolling, bowling, shooting, placing or propelling a ball or
97 other object into, upon or against a hole or other target and that
98 rewards the player or players with tickets, tokens or other noncash
99 representations of value redeemable for merchandise prizes, provided
100 (A) the outcome of the game is predominantly determined by the skill
101 of the player, (B) the award of tickets, tokens or other noncash
102 representations of value is based solely on the player's achieving the
103 object of the game or on the player's score, (C) only merchandise prizes
104 are awarded, (D) the average wholesale value of the prizes awarded in
105 lieu of tickets or tokens for a single play of the machine does not
106 exceed ten dollars or ten times the cost of a single play of the machine,
107 whichever is less, and (E) the redemption value of each ticket, token or
108 other noncash representation of value that may be accumulated by a
109 player or players to redeem prizes of greater value does not exceed the

110 cost of a single play of the machine.

111 Sec. 2. Subsection (d) of section 53-278c of the general statutes is
112 repealed and the following is substituted in lieu thereof (*Effective from*
113 *passage*):

114 (d) Except as provided in subsection (e), any person who knowingly
115 owns, manufactures, possesses, buys, sells, rents, leases, stores, repairs
116 or transports any gambling device, or offers or solicits any interest
117 therein, except in connection with a permit under sections 7-169 to [7-
118 186] 7-186, inclusive, whether through an agent or employee or
119 otherwise shall be guilty of a class A misdemeanor. Subsection (b) of
120 this section shall have no application in the enforcement of this
121 subsection.

122 Sec. 3. Section 7-169h of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective from passage*):

124 (a) For the purposes of this section:

125 (1) "Executive director" means the executive director of the Division
126 of Special Revenue within the Department of Revenue Services who
127 shall be responsible for the regulation of the distribution and sale of
128 sealed tickets in the state;

129 (2) "Division" means the Division of Special Revenue within the
130 Department of Revenue Services;

131 (3) "Sealed ticket" means a card with tabs which, when pulled,
132 expose pictures of various objects, symbols or numbers and which
133 entitles the holder of the ticket to receive a prize if the combination of
134 objects, symbols or numbers pictured matches what is determined to
135 be a winning combination.

136 (b) No person shall sell, offer for sale or distribute a sealed ticket
137 who has not applied for and received a permit from the division to sell
138 sealed tickets.

139 (c) (1) On and after October 1, 1987, the division may issue a permit
140 to sell sealed tickets to any organization or group specified in
141 subsection (d) of section 7-169 which holds a bingo permit issued in
142 accordance with the provisions of section 7-169. Such permit shall be
143 renewed annually.

144 (2) The division may issue a permit to sell sealed tickets to any
145 organization or group specified in subsection (d) of section 7-169
146 which holds a club permit or nonprofit club permit under the
147 provisions of chapter 545. Such permit shall be renewed annually.

148 (3) The division may issue a permit to sell sealed tickets to any
149 organization or group specified in section 7-172 which holds a permit
150 to operate a bazaar, issued in accordance with the provisions of
151 sections 7-170 to 7-186, inclusive.

152 [(4) The division may issue a permit to sell sealed tickets to any
153 charitable, civic, educational, fraternal, veterans' or religious
154 organization, volunteer fire department, grange or political party or
155 town committee thereof which holds a permit to operate games of
156 chance, issued in accordance with the provisions of sections 7-186a to
157 7-186p, inclusive.]

158 (d) Permittees shall purchase sealed tickets from the division at a
159 cost which is equal to ten per cent of their resale value.

160 (e) Notwithstanding the provisions of subsection (b) of section 53-
161 278b and subsection (d) of section 53-278c, sealed tickets may be sold,
162 offered for sale, displayed or open to public view only (1) during the
163 course of a bingo game conducted in accordance with the provisions of
164 section 7-169 and only at the location at which such bingo game is
165 conducted, (2) on the premises of any such organization or group
166 specified in subdivision (2) of subsection (c) of this section, or (3)
167 during the conduct of a bazaar under the provisions of sections 7-170
168 to 7-186, inclusive. [, or (4) during the operation of games of chance
169 under the provisions of sections 7-186a to 7-186p, inclusive.] Permittees

170 may utilize a mechanical or electronic ticket dispensing machine
171 approved by the division to sell sealed tickets. Sealed tickets shall not
172 be sold to any person less than eighteen years of age. All proceeds
173 from the sale of tickets shall be used for a charitable purpose as
174 defined in section 21a-190a.

175 (f) The fee for a permit to sell sealed tickets (1) issued to an
176 organization authorized to conduct bingo under a "Class A" permit
177 shall be fifty dollars, (2) issued to an organization which holds a club
178 permit or nonprofit club permit under the provisions of chapter 545
179 shall be seventy-five dollars, and (3) issued to an organization
180 authorized to conduct bingo under a "Class B" permit or an
181 organization which holds a permit to operate a bazaar [or games of
182 chance] shall be five dollars per day.

183 (g) The executive director, with the advice and consent of the
184 Gaming Policy Board, shall adopt regulations in accordance with the
185 provisions of chapter 54 to carry out the purposes of this section
186 including, but not limited to, regulations concerning (1) qualifications
187 of a charitable organization, (2) the price at which the charitable
188 organization shall resell tickets, (3) information required on the ticket,
189 including, but not limited to, the price per ticket, (4) the percentage
190 retained by the organization as profit, which shall be at least ten per
191 cent of the resale value of tickets sold, (5) the percentage of the resale
192 value of tickets to be awarded as prizes, which shall be at least forty-
193 five per cent, (6) apportionment of revenues received by the division
194 from the sale of tickets, and (7) investigations of any charitable
195 organization seeking a permit.

196 (h) (1) Whenever it appears to the executive director of the Division
197 of Special Revenue after an investigation that any person is violating or
198 is about to violate any provision of this section or administrative
199 regulations issued pursuant thereto, the executive director may in his
200 discretion, to protect the public welfare, order that any permit issued
201 pursuant to this section be immediately suspended or revoked and

202 that the person cease and desist from the actions constituting such
203 violation or which would constitute such violation. After such an order
204 is issued, the person named therein may, within fourteen days after
205 receipt of the order, file a written request for a hearing. Such hearing
206 shall be held in accordance with the provisions of chapter 54.

207 (2) Whenever the executive director finds as the result of an
208 investigation that any person has violated any provision of this section
209 or administrative regulations issued pursuant thereto or made any
210 false statement in any application for a permit or in any report
211 required by the executive director, the executive director may send a
212 notice to such person by certified mail, return receipt requested. Any
213 such notice shall include (A) a reference to the section or regulation
214 alleged to have been violated or the application or report in which an
215 alleged false statement was made, (B) a short and plain statement of
216 the matter asserted or charged, (C) the fact that any permit issued
217 pursuant to this section may be suspended or revoked for such
218 violation or false statement and the maximum penalty that may be
219 imposed for such violation or false statement, and (D) the time and
220 place for the hearing. Such hearing shall be fixed for a date not earlier
221 than fourteen days after the notice is mailed.

222 (3) The executive director shall hold a hearing upon the charges
223 made unless such person fails to appear at the hearing. Such hearing
224 shall be held in accordance with the provisions of chapter 54. If such
225 person fails to appear at the hearing or if, after the hearing, the
226 executive director finds that such person committed such a violation or
227 made such a false statement, the executive director may, in his
228 discretion, suspend or revoke such permit and order that a civil
229 penalty of not more than two hundred dollars be imposed upon such
230 person for such violation or false statement. The executive director
231 shall send a copy of any order issued pursuant to this subdivision by
232 certified mail, return receipt requested, to any person named in such
233 order.

234 (4) Whenever the executive director revokes a permit issued
235 pursuant to this section, he shall not issue any permit to such permittee
236 for one year after the date of such revocation.

237 Sec. 4. Section 7-185a of the general statutes is repealed and the
238 following is substituted in lieu thereof (*Effective from passage*):

239 (a) Notwithstanding the provisions of sections 7-170 to 7-186,
240 inclusive, and the regulations adopted thereunder, any organized
241 church, volunteer fire company or veterans organization or association
242 conducting a bazaar or raffle, (1) may have the actual drawing of the
243 raffle in a municipality other than the municipality which grants the
244 permit, provided the chief executive officer of the other municipality
245 has in writing approved such drawing; (2) may conduct the bazaar in a
246 municipality other than the municipality which grants the permit,
247 provided the municipality in which the bazaar is to be conducted has
248 adopted the provisions of sections 7-170 to 7-186, inclusive, and the
249 chief executive officer of such municipality has in writing approved
250 such bazaar; (3) may be permitted to redeem prizes in cash; (4) shall be
251 exempt from the requirement of preserving unsold raffle tickets
252 beyond ninety days after the conclusion of the holding, operating and
253 conducting of such bazaar or raffle and shall be permitted to dispose of
254 unclaimed prizes after such ninety days; and (5) may file a
255 reconciliation of expenditures and receipts signed by an officer in lieu
256 of an accountant.

257 (b) Notwithstanding the provisions of sections 7-170 to 7-186,
258 inclusive, and the regulations adopted thereunder, any sponsoring
259 organization qualified to conduct a bazaar or raffle under the
260 provisions of section 7-172 and recognized as a nonprofit organization
261 under the provisions of Section 501(c) (3) of the federal Internal
262 Revenue Code of 1986, or any subsequent corresponding internal
263 revenue code of the United States, as from time to time amended, may
264 have the actual drawing of the raffle in a municipality other than the
265 municipality which grants the permit, provided the chief executive

266 officer of the other municipality has in writing approved such
267 drawing.

268 [(c) Notwithstanding the provisions of section 7-177, any
269 organization or group specified in section 7-172 conducting a bazaar
270 may award cash prizes which shall not exceed twenty-five dollars each
271 in connection with the playing of a "money-wheel" game.]

272 [(d)] (c) Notwithstanding the provisions of section 7-177, any
273 organization conducting a bazaar may operate "fifty-fifty" coupon
274 games each day of a permitted bazaar event and may award cash
275 prizes of fifty per cent of "fifty-fifty" coupon game sales for each
276 coupon drawing conducted. Not more than three scheduled drawings
277 may be held on any day on which a bazaar is permitted. A "fifty-fifty"
278 coupon game shall be operated from an authorized bazaar booth,
279 subject to the regulation of the executive director of the Division of
280 Special Revenue and shall allow for the sale of "fifty-fifty" coupons at a
281 predetermined uniform price. Each "fifty-fifty" coupon shall be
282 consecutively numbered and shall have a correspondingly numbered
283 stub. Each sponsoring organization shall provide different colored
284 coupons for each drawing and shall award one prize for each drawing
285 held. Each organization conducting such games shall conspicuously
286 post, at each bazaar booth at which such games are conducted, a notice
287 or notices which shall include the dates, times and places of any "fifty-
288 fifty" coupon drawings, as well as the prices and colors of coupons to
289 be sold for each drawing. The executive director shall prescribe the
290 form of such notice which shall contain the following statement:
291 "Holders of coupons must be present to claim a prize." Each such
292 organization shall account for each coupon printed and sold for each
293 drawing and shall announce the amount of sales and the prize to be
294 awarded immediately prior to each drawing. The sponsoring
295 organization shall preserve all sold and unsold coupons or stubs for a
296 period of at least one year from the date of the verified statement
297 required pursuant to section 7-182. At the conclusion of a bazaar, each
298 organization conducting such games, and its members who were in

299 charge thereof, shall furnish to the chief of police of the municipality or
300 to the first selectman, as the case may be, a verified statement,
301 prescribed by the executive director of the Division of Special Revenue,
302 in duplicate, showing (1) the total number of coupons purchased and
303 sold for each "fifty-fifty" coupon game drawing, and (2) the total
304 number and amount of prizes awarded and the names and addresses
305 of the persons to whom the prizes were awarded. Such report shall be
306 furnished during the next succeeding month. The chief of police or
307 first selectman, as the case may be, shall forward the original copy of
308 such report to the executive director, who shall keep it on file and
309 available for public inspection for a period of one year thereafter. Such
310 report shall be certified to under penalty of false statement by the three
311 persons designated in the permit application as being responsible for
312 the bazaar.

313 [(e)] (d) Notwithstanding the provisions of section 7-177, any
314 sponsoring organization qualified to conduct a bazaar or raffle under
315 the provisions of section 7-172 may operate a cow-chip raffle once a
316 calendar year and, pursuant to a "Class No. 1", "Class No. 2" or "Class
317 No. 4" permit, may award cash prizes in connection with participation
318 in such a raffle, in addition to those prizes authorized pursuant to
319 section 7-177. Such raffles shall conform to the provisions of sections 7-
320 170 to 7-186, inclusive, and shall be subject to regulation by the
321 executive director of the Division of Special Revenue. A cow-chip raffle
322 shall allow for the sale of consecutively numbered tickets with
323 correspondingly numbered stubs, entitling the holders of such tickets
324 to the temporary possession of a plot of land for purposes of the
325 conduct of the cow-chip raffle. Each organization intending to sponsor
326 or conduct a cow-chip raffle shall furnish with its application, required
327 pursuant to section 7-173, a cow-chip raffle plot plan displaying the
328 land area to be utilized for such raffle and the numbered plots, each
329 corresponding to a numbered cow-chip raffle ticket. Each such
330 organization conducting a cow-chip raffle shall provide for a suitable
331 land area on which the cow-chip raffle activity is to be conducted. The
332 area shall be sufficiently enclosed so as to confine any animal utilized

333 in the conduct of a cow-chip raffle during the period in which the
334 animal is so utilized. The area shall be adequately marked so as to
335 display the number of plots to be utilized, which shall correspond to
336 the number of cow-chip raffle tickets to be sold. The manner in which
337 winners in a cow-chip raffle are determined shall be clearly stated
338 prior to the commencement of a cow-chip raffle drawing and each
339 sponsoring organization shall conspicuously post an information
340 board, prescribed by the executive director of the Division of Special
341 Revenue, which shall display the consecutively numbered plots of the
342 cow-chip raffle event. A cow-chip raffle drawing shall commence at a
343 designated time and shall continue until all winners of authorized
344 prizes have been determined. No person may feed, lead or handle any
345 animal utilized in a cow-chip raffle once the animal has entered into
346 the enclosed area from which winners will be determined. Each
347 organization conducting a cow-chip raffle shall deposit all proceeds
348 from the conduct of such raffle in a special checking account
349 established and maintained by such organization which shall be
350 subject to audit by the Division of Special Revenue. Any expense
351 incidental to the conduct of such raffle shall be paid from the gross
352 receipts of cow-chip raffle tickets and only by checks drawn from such
353 checking account. All cash prizes awarded shall be paid from such
354 checking account.

355 [(f)] (e) Notwithstanding the provisions of sections 7-170 to 7-186,
356 inclusive, and the regulations adopted thereunder, any organization
357 conducting a bazaar may operate a "teacup raffle" and may award
358 prizes consisting of merchandise not exceeding one hundred dollars
359 each in value through the sale of chances. No such organization may
360 conduct more than one scheduled "teacup raffle" drawing for all prizes
361 offered on any day on which a bazaar is permitted. A "teacup raffle"
362 shall be operated from an authorized bazaar booth, and shall be
363 subject to regulation by the executive director of the Division of Special
364 Revenue. Each "teacup raffle" ticket shall be consecutively numbered
365 and have a correspondingly numbered stub which shall include the
366 name, address and telephone number of the purchaser. Each

367 sponsoring organization conducting such raffle shall conspicuously
368 post, at each bazaar booth at which such raffle is conducted, a notice or
369 notices which shall include the date and time of any "teacup raffle"
370 drawing. The sponsoring organization shall preserve all sold and
371 unsold tickets or stubs for a period of at least one year from the date of
372 the verified statement required pursuant to section 7-182.

373 [(g)] (f) (1) Any sponsoring organization qualified to conduct a
374 bazaar or raffle under the provisions of section 7-172 may operate a
375 duck-race raffle once each calendar year. Such raffles shall conform to
376 the provisions of sections 7-170 to 7-186, inclusive, and shall be subject
377 to regulation by the executive director. For the purpose of this
378 subsection, "duck-race raffle" means a raffle in which artificial ducks,
379 numbered consecutively to correspond with the number of tickets sold
380 for such raffle, are placed in a naturally moving stream of water at a
381 designated starting point and in which the ticket corresponding to the
382 number of the first duck to pass a designated finishing point is the
383 winning ticket. (2) The executive director of the Division of Special
384 Revenue, with the advice and consent of the Gaming Policy Board,
385 shall adopt regulations, in accordance with chapter 54, that establish
386 procedures for the operation of duck-race raffles.

387 Sec. 5. Section 12-564a of the general statutes is repealed and the
388 following is substituted in lieu thereof (*Effective from passage*):

389 The executive director of the Division of Special Revenue shall
390 submit a report to the Commissioner of Public Safety and the joint
391 standing committee of the General Assembly having cognizance of
392 matters relating to [games of chance and] legalized gambling, not later
393 than the fifteenth business day of each month, which report shall set
394 forth a detailed statement of (1) any investigations conducted by the
395 Division of Special Revenue in the previous month, and (2) such arrest
396 data as the commissioner or committee may require, including, but not
397 limited to, the number of arrests made by the special policemen in the
398 security unit of the Division of Special Revenue.

399 Sec. 6. (*Effective from passage*) Any permit or registration issued
400 pursuant to sections 7-186a to 7-186q, inclusive, of the general statutes,
401 revised to January 1, 2001, shall terminate on the effective date of this
402 section. The Division of Special Revenue shall refund any permit or
403 registration fees paid by any person, firm or organization that applied
404 for a permit or registration pursuant to said sections which permit or
405 registration is terminated pursuant to the provisions of this section.

406 Sec. 7. (*Effective from passage*) Sections 7-186a to 7-186q, inclusive, of
407 the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>